

NOT FOR PUBLICATION

(Doc. No. 9)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

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JOE HAND PROMOTIONS, INC.,	:	
	:	
Plaintiff,	:	
	:	Civil No. 11-849 (RBK/KMW)
v.	:	
	:	<b>ORDER</b>
ROBIN WALDRON, CHARLYNN	:	
WALDRON, and MANGIA BY THE	:	
GREENS, INC., <i>d/b/a Mangia on the Green</i> ,	:	
	:	
Defendants.	:	
	:	

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**THIS MATTER** having come before the Court on the motion of Joe Hand Promotions, Inc. (“Plaintiff”) for judgment of default on its claims against Robin Waldron, Charlynn Waldron, and Mangia by the Greens, Inc. (“Defendants”); and

**IT APPEARING TO THE COURT** that default as to Defendants was entered by the Clerk on July 21, 2011; and

**IT FURTHER APPEARING TO THE COURT** that two Defendants are individuals; and

**IT FURTHER APPEARING TO THE COURT** that Plaintiff’s counsel avers that “Defendants are not infants, incompetent persons, or persons in military service or otherwise exempted from default judgment under the Servicemembers Relief Act of 2003,” Janis Decl., ¶ 3, but that Plaintiff offers no documentation or other evidence supporting that averment; and

**THE COURT NOTING** that the Servicemembers Relief Act of 2003 provides that “the court, before entering judgment for the plaintiff, shall require the plaintiff to file with the court

an affidavit . . . stating whether or not the defendant is in military service and showing necessary facts to support the affidavit," 50 U.S.C. App. § 521(b)(1)(A) (emphasis added); and

**THE COURT FINDING** that Plaintiff has failed to show necessary facts to support its counsel's affidavit;

**IT IS HEREBY ORDERED** that Plaintiff's motion for default judgment is **DENIED**.

Dated: 5/3/2012

/s/ Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge